

EXHIBIT H

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
-----X
JANNIE PILGRIM, GIOVANNA HENSON, JESAN
SPENCER and BRENDA CURTIS,

 Plaintiffs,

 - against - CASE NO.: 07CIV 6618
THE MCGRAW-HILL COMPANIES, INC.,

 Defendant.
-----X

DEPOSITION OF WILLIAM HARPER, -taken by
Plaintiffs, pursuant to Notice on Wednesday, April
9, 2008, commencing at 9:43 a.m., before Chandra D.
Brown, a Registered Professional Reporter and Notary
Public within and for the State of New York.

1 W. Harper

2 In general, sure, she was credible.

3 Q Did she appear to you as having the
4 interest of the company at heart during the period
5 of time that she was working under you?

6 A Yes. It appeared to me that she cared
7 about her work and cared about the people that she
8 worked with and for and wanted to do good work, good
9 H/R work.

10 Q Do you know whether she received any
11 bonuses?

12 A Yes.

13 Q Do you recall what kind of bonuses she
14 received?

15 MR. RASIN: Objection.

16 A I don't have a perfect memory around that.
17 I recall in 2004, she received a spot bonus.

18 Q What is a spot bonus?

19 A That's a bonus that a manager can give an
20 employee for a job well done.

21 Q Was that done by you?

22 A Yes.

23 Q What do you have to go through in order to
24 arrange for such a bonus to be given?

25 Is there a form you have to fill out?

1 W. Harper

2 A Yes.

3 Q That goes to where?

4 A It would go to my leader.

5 Q I would rather use names if I can, so that
6 we can understand the record best.

7 It would go to whom?

8 A Well, at the time in 2004, performance
9 year 2004, the spot bonus form would go to Brett.
10 Marsche.

11 Q And he would have to approve it?

12 A And he would have to approve it in order
13 for it to be paid.

14 Q Based on your experience with Jesan while
15 she was working under you, was she able to
16 communicate with her clients or customers?

17 A Can you ask that question again, please?

18 Q I'll rephrase it.

19 What did you recognize about her regarding
20 her communication skills?

21 A What did I recognize about her
22 communication skills?

23 Q Yes.

24 A That in employee relations situations,
25 Jesan effectively communicated; that in training,

1 W. Harper
2 stand-up training events, Jesan mostly communicated
3 well, but there were times were she wasn't as
4 effective.

5 Q When you refer to employee relations, does
6 that have a specific meaning to you at McGraw-Hill?

7 The words "employee relations," what does
8 that encompass?

9 MR. RASIN: Objection.

10 A Employee relations in this context is
11 helping to manage conflicts that occur between
12 employees and managers.

13 Q What kind of conflicts are we talking
14 about in a general sense?

15 A Performance, poor-performance issues,
16 excessive sick-leave incidents.

17 Q Anything else?

18 A An employee who feels that her manager,
19 his or her manager, is not being fair.

20 Q When you said that you felt that she was
21 effective -- she effectively communicated in her
22 role in employee relations, did that include in
23 regard to performance issues between employees and
24 their supervisors, for example?

25 A That would include that.

1 W. Harper

2 testified to?

3 A Yes.

4 Q Was there a time when she returned under
5 your supervision?

6 A Yes.

7 Q When was that?

8 A That was in, I believe, the beginning
9 of 2007. Maybe the end of 2006, into 2007.

10 Q Do you recall what position she was
11 assigned to under your supervision?

12 A Yes.

13 Q What position was that?

14 A H/R manager.

15 Q So the record is clear, it's H/R manager
16 in which section?

17 A The title doesn't include the section or
18 business that you support. Just H/R manager.

19 Q But it was under -- it was in your
20 segment?

21 A In my group, yes.

22 Q Did she work specifically for any one
23 particular section in your group?

24 A Yes.

25 Q What was that?

1 W. Harper

2 A She specifically worked for Aviation Week.

3 Q What position did she leave in order to be
4 assigned to the Aviation Week position?

5 A She left the H/R manager position that was
6 supporting BusinessWeek.

7 Q What were the circumstances that lead to
8 her being transferred to Aviation Week in the H/R
9 manager's position, as you understand it?

10 A It was a transfer.

11 Q Who approved the transfer?

12 A My leader, Brett Marschke.

13 Q Did you have anything to do with her
14 transferring into the H/R position in BusinessWeek?

15 MR. RASIN: Objection.

16 A You want to rephrase it?

17 Q I'll rephrase it.

18 Did you play any role in the decision to
19 transfer Jesan Spencer to the H/R position, manager
20 position under Aviation Week?

21 A Yes.

22 Q What role was that?

23 A I was the head of the function that
24 ultimately was responsible for Aviation Week, and I
25 accepted the transfer.

1 W. Harper

2 Q How did you learn about the decision to
3 transfer Jesan Spencer from Brett Marschke?

4 MR. RASIN: Objection.

5 A I don't think the premise of the question
6 is --

7 Q I'll rephrase it.

8 How did you learn of the decision to
9 transfer Jesan Spencer to Aviation Week?

10 A This may be semantics: I didn't learn of
11 the decision. The decision was made jointly between
12 Brett and myself.

13 Q Did you meet together to discuss that
14 decision?

15 A I don't think we met, no.

16 Q Was it by phone?

17 A It was by phone.

18 Q Who called whom?

19 A Brett called me.

20 Q And what did he say to you?

21 A He said that I had been asking -- I had
22 been asking Brett for additional support, and he
23 called to tell me that I could receive additional
24 support and that he would be willing to sign off on
25 a transfer of Jesan to my group.

1 W. Harper

2 Q What did you say?

3 A I said okay.

4 Q Tell us everything that Brett Marschke
5 said and everything you said, other than what you've
6 already testified to.

7 A I don't think I can tell you everything
8 because I don't remember everything, but Brett
9 called and said that he would be willing to transfer
10 Jesan to the business information group H/R team,
11 which was my team. And he indicated that Jesan was
12 having some difficulty in BusinessWeek and would I
13 be willing to accept the transfer.

14 Q Did he describe what that difficulty was?

15 A No.

16 Q Did he discuss with you anything about
17 Mr. Caruso and Jesan?

18 A I don't recall.

19 Q Was this transfer to Aviation Week by
20 Ms. Spencer, was that a voluntary transfer or an
21 involuntary transfer?

22 A My understanding was that it was
23 voluntary.

24 Q Where did you get that understanding from?

25 A From Brett.

1 W. Harper

2 Q Do you know to what extent Sheila O'Neill
3 was involved in this process?

4 A I do not know.

5 Q Did the name Sheila O'Neill come up in the
6 discussion of the transfer?

7 A No.

8 Q Did you have occasion to speak with Sheila
9 O'Neill about the transfer of Jesan Spencer to
10 Aviation Week?

11 A No.

12 Q Did you discuss with anyone in the
13 company, other than Brett Marschke, the transfer of
14 Jesan Spencer to aviation?

15 A Yes.

16 Q Who was that?

17 A Jesan Spencer.

18 Q Tell us, when was that conversation?

19 A I do not recall when it was. Certainly it
20 was around the time that I had had the conversation
21 with Brett. And I called to tell Jesan that I
22 thought that she could add value to the business
23 information group team and that if the transfer went
24 through that I would be happy to have her as part of
25 the team again.

1 W. Harper

2 Q What did she say to you, if anything?

3 A I don't remember exactly, but it was words
4 to the effect of, "Good. Okay. I'm happy to
5 return," or something.

6 Q When was this conversation with Jesan?

7 A I don't recall.

8 Q Was it by phone?

9 You said you called her.

10 A I believe it was by phone.

11 Q Okay.

12 Did you call her or she called you?

13 A I'm not sure.

14 Q How long was that conversation with Jesan
15 Spencer?

16 A I can't recall.

17 Q A few minutes, an hour?

18 A It wasn't a long conversation.

19 Q So what would you briefly describe as not
20 a long conversation?

21 What do you mean by that?

22 A Couple of minutes, three minutes.

23 Q To whom was Jesan Spencer required to
24 report once she assumed her position as H/R manager
25 as Aviation Week?

1 W. Harper

2 A Her direct manager was a lady named Toi
3 Eaton, T-O-I.

4 Q Toi Eaton was a direct report to you?

5 A Correct.

6 Q What was her title?

7 A Director of Human Resources.

8 Q Now, how soon after you had this
9 conversation with Jesan Spencer by phone concerning
10 her transfer did she actually transfer into the
11 position?

12 A I don't recall. Shortly thereafter.

13 Q Days, weeks?

14 A It wasn't more than weeks, but I don't
15 recall.

16 Q Did there come a time where you learned
17 that Jesan Spencer filed an EEOC complaint based on
18 race discrimination with the company?

19 A Yes.

20 Q When did you learn of that?

21 A I really don't recall when I learned of
22 that.

23 Q Did you know it at the time of the
24 transfer?

25 A No.